

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**LUIS VALENCIA**

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§

**5:17-cr-00882-DAE**

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**NOTICE OF INTERLOCUTORY APPEAL**

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**TO THE HONORABLE DAVID A. EZRA, SENIOR UNITED STATES DISTRICT JUDGE  
FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION:**

NOW COMES LUIS VALENCIA, Defendant, in the above entitled and numbered cause, and respectfully gives notice that he is appealing to the United States Court of Appeals for the Fifth Circuit, this Court's ORDER DENYING MOTION TO DISMISS FOR LACK OF AUTHORITY TO PROSECUTE (DKT. # 164) AND HOLDING THAT THE ACTING ATTORNEY GENERAL WAS PROPERLY APPOINTED, pursuant to 28 U.S.C. §1291, Federal Rules of Appellate Procedure, Rule 4(b), and the Collateral-Order Doctrine of *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949). This final order was handed down on November 27, 2018.

Respectfully submitted,

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BY: /s/ Donald H. Flanary, III.  
Donald H. Flanary III

ATTORNEY FOR DEFENDANT,  
Luis Valencia.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that an original copy of the above Notice has been delivered *via*  
CM/ECF to Bud Paulissen, Assistant United States Attorney, on November 27, 2018.

/s/ Donald H. Flanary, III.  
Donald H. Flanary, III.